

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

<b>James L. Miller (aka James L. Miller, Sr., )</b>	C/A No. 3:05-0700-CMC-JRM
<b>formerly # 94316-071),</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>Maria Barsana;Kenny Boone, also known )</b>	<b>OPINION AND ORDER</b>
<b>as Sheriff Florence County; Doctor Lance, )</b>	
<b>Medical Doctor at Lexington Detention )</b>	
<b>Center; Susan McDougal; and Jennifer )</b>	
<b>Snell,</b>	)
	)
<b>Defendants.</b>	)
	)

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The *pro se* Plaintiff filed this action claiming he was not given proper medical treatment while he was incarcerated at Florence County Detention Center in March 2005 and at Lexington County Detention Center where he was later moved. In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(e), D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct *de novo* review, but

instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Magistrate Judge issued a Report recommending that the complaint be dismissed without prejudice and without service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The court has reviewed the record and the Report and Recommendation of the Magistrate Judge and finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference and it is hereby

**ORDERED** that this action is *dismissed without prejudice and without issuance and service of process*.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
December 14, 2005